

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

)
)
John Doe,) 4:10CV3004
Plaintiff,)
)
V.)
) MEMORANDUM AND ORDER
NEBRASKA, STATE OF,)
NEBRASKA STATE PATROL, JON)
BRUNING, Attorney General of)
Nebraska, BRYAN TUMA,)
Superintendant of Law Enforcement)
and Public Safety for the Nebraska)
State Patrol, REBECCA R.)
HARLING, Lincoln County)
Attorney, JEROME KRAMER,)
Lincoln County Sheriff, MARTIN)
GUTSCHENRITTER, North Platte)
Police Chief, and JOHN DOE,)
)
Defendants.)

This case was removed from the District Court of Lincoln County, Nebraska. Like a flurry of other suits which started in this court, the underlying action challenges the Nebraska Sex Offender Registration Act. Evidently hoping to avoid an earlier ruling that I made in a similar case, the complaint purports to be based on state law grounds only.

As I have previously indicated in great detail, SORNA, a federal law, is at the heart of these disputes. Since SORNA is inextricably linked to Nebraska's recently amended law--indeed federal law *requires* many of the changes implemented by Nebraska, a number of important federal questions are presented by this case and removal is therefore appropriate. *See, e.g., Pet Quarters, Inc. v. Depository Trust and*

Clearing Corporation, 559 F.3d 772, 779 (8th Cir. 2009) (affirming removal and stating that, while jurisdiction for removal is governed by the well-pleaded complaint rule, "[f]ederal jurisdiction may be found from a complaint if adjudication of a state claim would turn on a federal constitutional or other important federal question, even where only state law issues have been pled.") (Emphasis added.)

The defendants have moved to vacate the ex parte temporary restraining order entered by Judge Murphy. I heard and recorded oral argument by telephone on that motion this morning. The motion will be granted. Intending no disrespect, but as I have previously explained, broad injunctive relief of the type ordered by Judge Murphy is unjustified under both federal and state law. *Doe v. Nebraska*, No. 8:09CV456, 2009 WL 5184328 (D. Neb., December 30, 2009). No change to or further elaboration of that ruling is required.

IT IS ORDERED that the motion (filing 3) to vacate temporary restraining order is granted and the Ex Parte Temporary Restraining Order entered by Judge Murphy on January 4, 2010 is vacated.

DATED this 8th day of January, 2010.

BY THE COURT:

Richard G. Kopf
United States District Judge